

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Administration of the)
North American Numbering Plan)

CC Docket No. 92-237
Phases One and Two

COMMENTS OF SOUTHWESTERN BELL CORPORATION

SOUTHWESTERN BELL CORPORATION

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SUMMARY*

SBC supports Bellcore's (and its owners') announced intent to relinquish the NANPA function. SBC believes that the NANPA function would best be performed by a single independent entity endorsed by the Commission, but otherwise not associated with the government and not closely identified with any industry segment. The NANPA function involves certain minimum requirements which are discussed herein in detail.

The major difference between the Commission's conception of this independent entity and SBC's conception is the breadth of membership. SBC believes that any telecommunications company should be able to participate. No entity or entities can effectively represent the diverse interests of any segment of the telecommunications industry.

Costs of NANP administration should be shared equally by all who use or otherwise benefit from the NANP. Spreading NANP administrative costs among not only LECs but the hundreds of IXC's, wireless service providers, CAPs and other derived service users benefiting from the use of telephone numbering resources would minimize the cost to each specific contributor.

SBC supports a Commission investigation into the possibility that the new NANPA may eventually assign CO codes, a task currently performed by LECs. However, state regulatory commissions should be included in this decision. Also, transfer of

* All abbreviations used herein are referenced within the text.

the existing NANPA functions will be complex enough, without introducing the additional complexity of CO code assignment at the same time. SBC recommends that the Commission focus on the transfer of the NANPA with its existing functions first (e.g., assignment and administration of NPA codes, 555 codes, CICs and SACs). After the transfer is complete, the Commission can then assess the transfer of CO code assignment responsibilities.

The NPRM proposes a six year transition from three-digit to four-digit CICs. SBC believes that six years is too long, in part because a protracted transition will involve a longer period of disparate dialing. Eighteen months is more appropriate. Furthermore, a technical limitation, coupled with increased demand, may make the six year proposal infeasible.

If SWBT is allowed to compete for interLATA traffic, then SBC would be more than willing to support delivery of all toll traffic to the preselected carrier(s). As long as SWBT is not allowed to compete, however, any requirement that SWBT deliver interstate, intraLATA toll traffic to the presubscribed carrier will be the equivalent of prohibiting SWBT's provision of such service.

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COMMENTS OF SOUTHWESTERN BELL CORPORATION

Southwestern Bell Corporation (SBC), on behalf of its subsidiaries Southwestern Bell Telephone Company (SWBT) and Southwestern Bell Mobile Systems, Inc. (SBMS), files its Comments in Response to the Notice of Proposed Rulemaking (NPRM) released in this Docket on April 4, 1994.¹ In general, SBC agrees with the NPRM's tentative conclusion that the Administrator of the North American Numbering Plan (NANP) should be an independent third party. Getting from here to there, however, will be difficult, because numbering issues are no longer soporific. Competition has made the assignment of numbers and codes both complicated and contentious. The advent of 800 number portability, and the continuing saga of local number portability, foreshadow the new age.

In a very real sense, number policy decisions have become business decisions. Therefore, many of the Comments filed in this docket will be thinly disguised attempts by one competitor to gain a market advantage over another. The current "N11" docket, No. 92-105, is a good example of this phenomenon, in which certain

¹ In the Matter of Administration of the North American Numbering Plan, Notice of Proposed Rulemaking, CC Docket No. 92-237, Phases One and Two, released April 4, 1994 (NPRM).

commercial interests seek to secure for their own use the very limited number of three-digit codes.

The focus of this proceeding should be the technical needs of the Public Switched Network (PSN), not the marketing needs of a particular business. If this single principle is unfailingly applied, the rhetoric and posturing will be ignored, and key issues, such as code exhaust and conservation, can be examined.

I. THE FUTURE OF NUMBERING FORUM

On August 16, 1993, Bellcore and its owners announced their intent to relinquish their role as the North American Numbering Plan Administrator (NANPA). At that time, NANPA was sponsoring meetings to address its proposal for a Long Term Numbering Plan, part of which included NANP administration. The Future of Numbering Forum (FNF) evolved from the meeting and began analyzing a potential World Zone 1 Numbering Organization (WZ1-NO).

The issues identified by FNF (structure, funding, timely resolution of questions) are addressed in Paragraph 7 of the NPRM.² SBC believes that the FNF should continue to work all outstanding issues to completion. This will not occur, however, unless the FCC endorses the project.

The structure agreed upon, to date, by the FNF and supported by SBC is outlined below--a listing of the organizations within the WZ1-NO and their functions.

² Id.

OVERSIGHT COMMITTEE (OC)

- NANPA Oversight
- Requests for NANPA Decisions
- Numbering Policy

INDUSTRY NUMBERING FORUM (INF)

- Assignment Guidelines
- Recommendations/Consensus Procedures
- Long Term Numbering Planning
- Numbering Policy

NANPA

- Numbering Administration, Including NPA Code Assignment
- Enforcement of Conservation Principles

Exhibit A attached hereto illustrates the structure of the organization.

SBC agrees with the Commission's tentative conclusion³ that the NANP administrative functions would best be performed by a single entity established by the Commission, but otherwise not associated with the government and not closely identified with any industry segment. The transition period should begin as soon as the new administrator is identified and should extend at least six months after the introduction of INPA (Interchangeable Numbering Plan Area) codes in 1995. The transition should be accomplished

³ Id., ¶¶14 & 18.

between the NANPA and the new administrator; the industry should not be directly involved in the details of the physical move.

The NANP administration involves certain minimum requirements, characteristics, and responsibilities. Numbering resources and standards will continue to evolve dramatically, as they have for many years. This will require the administrator to be sufficiently staffed with experienced and knowledgeable personnel who possess:

- The ability to combine strong project planning skills, organizational management experience, and interpersonal communication and negotiation skills.
- The ability to have a clear understanding of day-to-day business issues, coupled with the capability to provide effective leadership for the industry.
- The ability to understand the network--where it is, where it is going--and to effectively determine the legitimacy of numbering requests and thereby manage limited number resources.
- The ability to establish strong liaisons with the FCC, Department of Commerce, Caribbean and Canadian authorities, domestic and international standards bodies, and other regulatory agencies; and to serve as the initial contact for the resolution of disputes for the assignment and administration of NANP resources.
- The necessary administrative staff to handle the legal, financial, technical, staffing, industry and regulatory issues involving the management of all numbering resources; and the necessary equipment, facilities, and billing arrangements associated with day-to-day management of all numbering resources.
- The responsibility to formulate proposals, with industry input, for numbering resources; and the responsibility for NANP development, updates and industry negotiations for all code allocations.

- The responsibility for monitoring all associated code allocations (e.g., Numbering Plan Area (NPA) codes, Carrier Identification Codes (CICs), Vertical Services Code (VSCs), and 800 and 900 codes.
- The responsibility for monitoring conformance with published numbering assignment guidelines; and for distributing the most current assignment guidelines to service providers. For example, future numbering considerations will involve various industry segments including, among others: cellular, paging, personal communications, enhanced and information service providers, interexchange carriers and local exchange carriers.

In addition, the NANP administrator will need to monitor, coordinate or participate in activities such as Time "T" and E.168 implementation and abbreviated access recommendations, and may be required to represent World Zone 1 interests in various international and other standards bodies. The administrator thus must have experienced personnel with a wide variety of knowledge and expertise.

SBC agrees with the FCC that numbering policy should be addressed by the industry.⁴ However, SBC does not agree that a separate policy board, complete unto itself, should be created. The major difference between the Commission's conception of this board and FNF's conception of an Oversight Committee (OC) is the breadth of membership. The FNF (and SBC) believes that any telecommunications company with a material interest should be able to participate in the OC. The FNF's new OC could perform all functions envisioned for the proposed policy board. Such an OC might also guide the new NANP administrator and either resolve

⁴ Id., ¶25.

numbering disputes itself, encourage conciliation/facilitation, or refer such disputes to the FCC.⁵ With growing diversity and increasing competition, a board made up solely of representatives from different industry sectors is no longer adequate. No entity or entities can effectively represent the diverse interests of any segment of the telecommunications industry. Companies are no longer willing to allow other companies to make business decisions for them.

Moreover, membership of the OC cannot be limited to U.S. companies. Any telecommunications company within World Zone 1 (i.e., the NANP) should be allowed to participate.

Paragraph 15 of the NPRM asks whether ATIS (Alliance for Telecommunications Industry Solutions) or some component thereof could adequately perform NANP administration. SBC believes that ATIS could effectively sponsor the OC and INF and contract with a third party (unaligned with any industry segment) to be the NANP administrator.

II. FUNDING FOR NANP ADMINISTRATION

The NPRM tentatively concludes that the FCC should impose fees to recover numbering administration costs.⁶ Costs of NANP

⁵ Paragraph 24 of the NPRM states that existing industry fora, with their reliance on consensus building, may unreasonably postpone or avoid altogether the making of difficult decisions. SBC, however, supports the consensus building process as the best method for obtaining broad support for numbering decisions. The alternative, an adversarial approach, might produce faster results--though this point is questionable--but it almost certainly would produce a fragmented industry unable to reach agreement on any policy issues.

⁶ NPRM, ¶¶4, 30-38.

administration should be shared equally by all who use or otherwise benefit from the NANP. Spreading NANP administrative costs among not only Local Exchange Carriers (LECs) but the hundreds of Interexchange Carriers (IXCs), wireless service providers. Competitive Access Providers (CAPs) and other derived service users benefiting from the use and regulation of telephone numbers would minimize the cost to each specific contributor.

Based on its interpretation of the Omnibus Budget Reconciliation Act of 1993 (OMB), the Commission proposes to recover those costs it would incur should it assume the role of NANP administrator.⁷ This is inappropriate, because (1) the Commission, as is noted in paragraph 14 of the NPRM, does not intend to assume this role, and (2) the regulatory fees already established by the OMB Act should also more than cover NANP administration oversight costs incurred by the Commission. The proposed annual regulatory fee for SWBT, SBC's telephone subsidiary, alone would almost completely cover current NANP administration costs.

As an alternative to increasing fees, the NPRM proposes a mandatory surcharge on one or more of NECA's existing funds or else an appropriation of annual surpluses from one or more of these funds (such as the [Telecommunications Relay Services (TRS)] fund).⁸ A surcharge on the TRS fund would be inappropriate, however, because the NANP benefits more than interstate providers. By FCC Order, TRS costs are allocated among only all providers of

⁷ Id., ¶32.

⁸ Id., ¶37.

interstate telecommunications services based on each carrier's relative share of total interstate revenues. This method is inappropriate to allocate TRS costs, much less NANP costs.

On April 15, 1993, SBC filed comments in CC Docket No. 90-571, stating that the only LEC interstate revenues used to calculate TRS costs should be interstate intraLATA Message Telephone Service (MTS). However, the method adopted by the Commission also included interstate access charge revenues. SBC also filed a Petition for Reconsideration of the Commission's Order in CC Docket 90-571, reiterating that the only LEC interstate revenues used to calculate TRS costs should be interstate intraLATA MTS.

To allocate NANP costs according to the present TRS allocation scheme would simply add to the inequity already present with the current TRS allocation scheme. This allocation method effectively establishes a tax on LEC access services as inputs to IXCs' production of retail long distance service. Such a tax on an input to a production process establishes incentives for the producers (the IXCs) to substitute inputs which are not taxed for those which are. This would strengthen the incentives for IXCs to deploy their own transmission facilities (vertically integrate their production process) to avoid paying the tax on LEC-supplied access services. A tax on selected inputs to production process can distort the efficient use of resources to procure consumer goods and services. Indeed, LEC access services may be a more efficient way to connect end users to IXCs' networks than IXC construction projects. However, IXCs can be expected to incur the

capital investment necessary to vertically integrate their operations if the price of LEC-supplied access service is increased sufficiently. Such LEC access charge increases could result from requiring LECs to increase their revenue streams to meet additional cost obligations. This places LECs at an obvious competitive disadvantage, because it represents a double counting of revenues.

Relying on annual surpluses from one or more of NECA's other funds would also be inequitable, because many non-NECA member companies benefit from the NANP. In addition, such a strategy would be risky because the costs to be recovered from the various NECA funds vary from year to year. For example, the Commission recently recognized a surplus in the TRS fund and readjusted contribution rates downward. Furthermore, in any given year, there may be no surpluses at all from which to fund NANP administration.

The most efficient and equitable method of funding NANP administration is an annual fee charged upon all entities using NANP resources. Determination of the annual fee should be based upon the following principles:

1. All users of the NANP resources should share in NANPA funding.
2. The cost of administering funding should not outweigh its benefits.
3. The funding method should be applied in a competitively neutral manner.
4. Funding should support the current international integrated WZ1 structure.
5. Funding should support an appropriately staffed and qualified organization with specifically defined functions and responsibilities.

6. Funding should be incentive-neutral to the NANPA/OC organizations.

The proposed annual regulatory fee already established as a result of the OMB, however, fits the above criteria and should be adequate to fund both NANP administration and the FCC's oversight function.

III. CENTRAL OFFICE CODE ASSIGNMENT

The Commission has tentatively concluded that the new NANP administrator should assign central office (CO) codes, a task currently performed by LECs.⁹ Transfer of the NANPA functions will be complex enough without introducing the additional complexity of CO code assignment at the same time. SBC recommends that the FCC focus on the transfer of the NANP administration with its existing functions first (e.g., assignment and administration of NPA codes, CICS [Carrier Identification Codes] and SACs [Service Access Codes]). After the transfer is complete, the Commission can then assess the transfer of CO assignment responsibilities.

CO code assignment is fundamentally different than most NANP administrative functions, a more complex subject than first appearances indicate. While SBC could eventually support the movement of CO code administration from the existing administrators, several things should be considered when the FCC reviews this issue.

Since the impact of CO code assignment is largely a local matter, state regulatory bodies will have strong opinions and may

⁹ NPRM, ¶29.

not be willing to allow the assignment process to be transferred to a centralized national organization.

CO code assignment goes hand in hand with various planning functions currently performed by LECs as code administrators, such as the Central Office Code Utilization Survey (COCUS) preparation, NPA relief planning and code conservation measures. It is not clear that monitoring and code assignment can or should be separated.

Other functions tied to CO code assignment should be analyzed. For example, as CO code administrators, LECs are often responsible for reporting code assignments to be published in the Local Exchange Routing Guide (LERG), which contains local routing data obtained from the Routing Data Base System (RDBS). This information reflects the current network configuration and scheduled network changes for all entities originating or terminating public switched telephone network calls within the NANP, excluding Canada. The LECs also report information for the Bellcore Rating Administrative Data System (BRADS) that contains NANP rating and billing information. If CO code assignment is transferred to the NANPA, a reassessment of the responsibility for data input into these systems must also be made.

These and other questions will need to be resolved in a deliberate and orderly fashion after the NANPA with its existing functions has found a new home.

Proponents claim that the transfer of the CO code functions is necessary to insure that wireless carriers and other

non-LEC carriers are not prevented from obtaining essential codes.¹⁰ SBC's recommendation to delay discussion of transfer of CO code assignment until the various questions can be resolved is not meant to ignore these expressed concerns. However, LECs are already prohibited from discriminating in CO code assignment.¹¹ Disputes arising out of CO code assignments should thus be rare.

An exception might be disputes related to CO code assignment, arising from NPA number relief, number exhaust and special conservation activities. Since LECs currently have responsibility for initiating the code relief planning process as well as CO code assignment, disputes may occur because of actual or perceived competition among entities wanting or holding numbers and the various relief or conservation options that will have differing effects on those entities.

For example, recent LEC proposals to delay the inevitable exhaust of some NPAs have included options requiring wireless customers to change their numbers to a new area code so that the old numbers can be reclaimed and assigned for landline use. Such a proposal greatly disadvantages the wireless industry and its customers.¹²

¹⁰ Id., ¶ 28.

¹¹ For example, the Commission has established that "[c]ellular telephone carriers are a part of the network and are entitled to reasonable accommodation of their numbering requirements on the same basis as an independent wireline telephone company." In the Matter of the Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, 59 Rad. Reg. 1275 (1986).

¹² Forcing cellular customers to change numbers includes requiring them to bring the phone set in to be reprogrammed, with the cost forced onto the cellular carrier.

In accordance with industry-developed guidelines,¹³ disputes regarding exhaust or relief should be discussed in an attempt to reach consensus among the affected entities. If consensus is not reached, then the matter should be submitted to regulatory authorities for resolution. Thus, delaying the transfer of CO code assignment functions need not cause concern to the proponents of the transfer.

IV. CIC CODE TRANSITION

The NPRM proposes a six year transition from three-digit to four-digit CICs.¹⁴ SBC believes that six years is too long, in part because a protracted transition will involve a longer period of disparate dialing. Eighteen months is more appropriate. Furthermore, a technical limitation, coupled with increased demand, may make the six year proposal infeasible.

During the transition, users will access IXCs by dialing either a five-digit Carrier Access Code (CAC) (10XXX) or a seven-digit code (101XXXX). The five-digit CAC is composed of "10" plus the three-digit CIC. The seven-digit CAC is composed of "101" plus the four-digit CIC. To avoid confusion, codes must be assigned so that switches do not receive the identical sequence of the first four numbers in five-digit and seven-digit CACs.

¹³ Disputes over the assignment of CO codes or issues related to NPA relief planning, conservation or exhaust should be handled in accordance with the CO Code Assignment Guidelines, ICCF 93-0729-010. In addition, the NPA Code Relief Planning Workshop is developing guidelines that will also prescribe steps to be taken in developing NPA relief plans.

¹⁴ NPRM, ¶54.

Thirty codes in the unused blocks of three-digit CICs (10X, 15X and 16X) have been reserved for CIC expansion and will not be assigned until the transition is completed. Initially, four-digit CICs will be assigned in the 5XXX and 6XXX range, yielding a total of 2000 codes. When a switch sees a seven digit CAC in the form 1010XXX, 1015XXX or 1016XXX, it will read the first four digits--1010, 1015 or 1016-- and know that it is dealing with a seven-digit code, because there are no three-digit CICs in the format 10X, 15X or 16X and thus no five-digit CACs beginning with 1010, 1015 or 1016.

The transition (sometimes called the "permissive dialing period") can last only as long as the 2000 four-digit CICs in the 5000 and 6000 range are available. Once these exhaust, the only remaining four-digit CICs will be in formats which, in the seven-digit CAC format, will have the same first four numbers as five-digit CACs using three-digit CICs. For example, the four-digit CIC 7111 will be part of the seven-digit CAC 1017111. The three digit CIC 171 will be part of the five-digit CAC 10171. The first four digits of these two Carrier Access Codes are identical, so the four-digit CIC cannot be made available for assignment.

If more than 2000 four-digit CICs are assigned in less than six years, the Commission's proposal will not work. Moreover, SBC believes that there very well may be an increase in the number of CICs assigned. The advent of equal access dialing in Canada, for instance, will increase the number of assigned CICs. Also, any service that will require access "like" Feature Group D will require CICs. Personal Communications Service (PCS) is currently

viewed as the biggest potential for increased CIC assignments; however, future network interconnection with Enhanced Service Providers (ESPs) and others may add to the demand for CICs.

Currently, some in the industry wish to assign CICs without requiring (as is the current practice) the purchase of Feature Group D or Feature Group B access. For example, an IXC might obtain 10 CICs and reassign them to 10 customers which lease transport from the IXC. CICs would thus become a marketing and administrative tool rather than an access method. Such a practice would create a "run" on CIC codes and exhaust the supply much sooner than if CICs were used in the manner intended.¹⁵

There is a very real possibility that 2000 four-digit CICs will not last six years. Unless convincing evidence to the contrary is produced--and SBC is aware of none--the transition period must be significantly shorter.

The telecommunications industry has been unable to reach consensus on the length of the permissive dialing period. SBC suggests that the permissive period begin upon assignment of the first four-digit FGD CIC, and that it terminate no later than eighteen months thereafter. This would ensure that at some defined point there would be dialing parity for all end users and access customers on a nationwide basis.

A permissive period of six years would confer an unfair advantage on carriers holding three-digit CICs. Such a period would allow FGD customers of these carriers to continue to use the

¹⁵ See, In re Petition of First Data Resources, Inc. Regarding the Availability of Feature Group B Access Service to End Users, Memorandum Opinion and Order, released May 28, 1986.

three-digit code for a significant period of time, while the FGD customers of new carriers would be required to use the four-digit format. This dialing disparity could be a disadvantage for the new carriers, whose customers would have to dial more digits, particularly if the dialing disparity is continued for an extended period. SBC believes that a six year permissive period would not be appropriate or in the public interest.

V. INTERSTATE, INTRALATA TOLL CALLS

Citing a concern for "consumer benefits [that] could result from measures to increase competition for this traffic," the NPRM requests comment "on whether we should require local exchange carriers to cease screening and completing interstate intraLATA '1+' MTS calls and, instead, deliver those calls to the carrier preselected by the end user unless the preliminary routing numbers indicate otherwise."¹⁶

As the NPRM notes, interstate, intraLATA traffic is a tiny portion of overall toll calling.¹⁷ Moreover, the Commission has recently held, in formal complaint proceedings, that LEC retention of interstate, intraLATA traffic does not constitute unlawful discrimination.¹⁸

¹⁶ NPRM, ¶¶ 57 & 58.

¹⁷ Id., ¶ 57 and fnnt. 93. Of course, the Commission lacks jurisdiction over intrastate, intraLATA toll traffic, which is purely a matter of state law.

¹⁸ Allnet Communication Services, Inc. v. Illinois Bell, et al., 8 FCC Rcd. 3030 (1993) and Allnet Communication Services, Inc. v. U S West, Inc., 8 FCC Rcd. 3017 (1993).

At divestiture, SWBT and other LECs were specifically authorized to provide intraLATA Message Telecommunications Service (MTS), including intraLATA interstate, and were specifically prohibited from providing interLATA service. The interLATA prohibition remains, though it has outlived its usefulness. Should the Commission require SWBT and other LECs to deliver all interstate, intraLATA traffic to a preselected carrier, SWBT and others, because of their inability to provide interLATA service, would be severely handicapped in competing with IXC's for interstate intraLATA traffic. An IXC could provide full service--intraLATA and interLATA, intrastate and interstate--to customers. SWBT could not. Little imagination is required to decide whether customers would desire a single "1+" carrier for all toll calls, or one "1+" carrier for interLATA traffic and another for intraLATA (both intra- and interstate) calls.¹⁹

For this obvious reason, and because of some current technical limitations on the number of PICs (Preferred Interexchange Carriers) that can be stored for each line, those states in SWBT territory which allow intraLATA competition do not require SWBT to transfer intrastate/interstate intraLATA traffic to the presubscribed interstate, interLATA carrier. Instead, callers must dial the appropriate CAC.²⁰

¹⁹ Another problem with multiple "1+" carriers, from SWBT's point of view, is that customers often do not know if their call is intraLATA or interLATA. A single "1+" carrier (which would have to be an IXC, and not SWBT) would render the distinction irrelevant.

²⁰ These states appropriately recognize that intraLATA presubscription should not be required until SWBT seeks authority to provide interLATA toll service within a state. See In the Matter of the Investigation into WATS Resale by Hotel/Motels et

If SWBT is allowed to compete for interLATA traffic, then SWBT would be more than willing to support delivery of all toll traffic to the preselected carrier. As long as SWBT is not allowed to compete, however, any requirement that SWBT deliver interstate, intraLATA toll traffic to the presubscribed carrier will be the equivalent of prohibiting SWBT's provision of such service.

VI. CONCLUSION

As competition increases, so will numbering disputes. Given the current environment, it will be difficult for the existing NANP administrator to escape charges of discrimination and/or unfair competition, no matter how fairly and impartially the administrator performs. For the same reasons, SBC supports a Commission investigation into the possibility of transferring CO code assignment from the LECs.

al., 28 MoPSC (N. S.) 535, 560 (1984), in which the Missouri Commission found that SWBT should wait until such time as it is able to request interLATA toll authority before submitting a cost analysis for intraLATA presubscription.

Because of the complications involved, however, a transition must be thoroughly thought out and given sufficient time. Otherwise, the cure will be worse than the disease.

Respectfully submitted,

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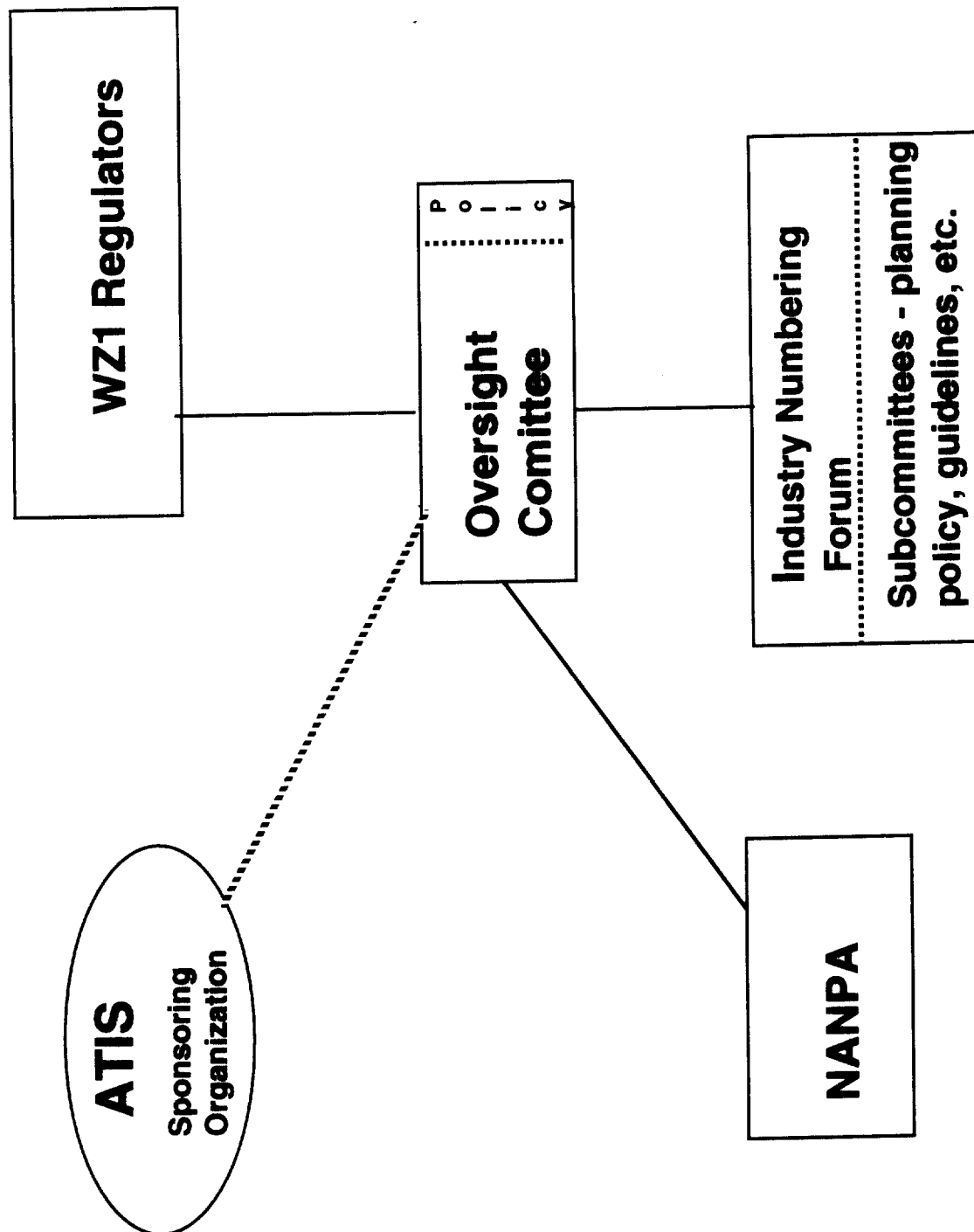
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June 7, 1994

World Zone 1 Numbering Organization



CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing "Comments of Southwestern Bell Corporation" in Docket No. 92-237, Phases One and Two has been filed this 7th day of June, 1994.

A handwritten signature in cursive script, reading "Katie M. Turner", written over a horizontal line.

Katie M. Turner

June 7, 1994